

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 15, 1976  
7:00 P.M.Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Friedman presiding.

## Roll Call:

Present: Councilmembers Himmelblau, Hofmann, Lebermann,  
Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Absent: None

## APPROVAL OF MINUTES

Councilmember Lebermann moved that the Council approve the Minutes for January 8, 1976. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

## WOMEN OF EARLY TEXAS DAY

Mayor Friedman read and presented a proclamation to Mrs. Barbara Likan, President of the American Association of University Women; Dr. Evelyn Carrington, Editor of Women in Early Texas; and Ms. Frances Malmberg, Chairperson, Library Committee, proclaiming January 20, 1976, as "Women of Early Texas Day" in Austin, Texas, in recognition of the contributions of pioneer women to the settlement and growth of the State of Texas and of the contributions of the members of the Austin Branch of the American Association of University Women.

Mrs. Likan expressed her appreciation on behalf of the American Association of University Women.

Ms. Malmberg expressed her thanks for this recognition of the Women in Early Texas and invited the Council to attend the autograph party on January 20, 1976, at the Old Bakery.

#### EXECUTIVE SESSION

Mayor Friedman announced that the Council had been in an Executive Session earlier in the day and had discussed various board appointments and certain legal matters. In conjunction with the legal matter, discussion was regarding the pending case with Southern Union Gas Company.

Councilmember Linn moved that the Council instruct the City Attorney to move forward with the rehearing proceedings. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

City Attorney Don Butler indicated his appreciation to the Council for their support and felt it was very important with regard to any action that would be taken.

In considering several boards for appointments, Mayor Friedman noted that the Zoning Board of Adjustment would not have any appointments made to it at this time due to the Council's concern to have proper authority and the opportunity for citizens to have the proper right of appeal to the Council. He requested the Council to approve his motion on this matter.

#### Zoning Board of Adjustment

Mayor Friedman moved that the Council instruct the City Attorney and his staff to prepare a report on several alternatives on how the Zoning Board of Adjustment can be absorbed into actions only by the Council or into a process utilizing the Planning Commission at this time; or any other viable alternatives under State law that the City Attorney would want to recommend. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

#### Heating, Air Conditioning, and Refrigeration Appeal Board

The Council considered an appointment to this board; however, due to some questions and the need for clarification there were no appointments made.

Explosives Appeal Board

Mayor Pro Tem Snell moved that the Council appoint the following to the Explosives Appeal Board:

Jack Barton - 1 year	Mr. Shirley Halliburton - 1 year
Jack Womack - 1 year	Marcus A. Ergurt - 1 year
Jim Loflin - 1 year	

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
 Noes: None

Vendor Committee

Councilmember Linn moved that the Council appoint ROLAND DENOIE to the Vendor Committee. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
 Noes: None

Library Commission

Councilmember Himmelblau moved that the Council appoint the following to the Library Commission:

Reappointed

Mrs. Willie Mae Kirk - 2 year  
 Mrs. A. W. Harris - 2 year  
 Mrs. T. J. Hemphill - 2 year  
 Mrs. Irwin Spear - 2 year  
 Mrs. Paul Boner - 2 year  
 Mrs. Jack Balagia - 2 year  
 Fred Sackett, Chairperson - 2 year

Appointed

Marta Cotera - 2 year  
 Mrs. Verne D. J. Philips - 2 year  
 Booker Snell - 2 year  
 Mrs. Robert Divine - 2 year  
 Sam Whitten - 2 year  
 Dr. Robert Ledbetter - 2 year  
 Mrs. Robert Dicks - 2 year  
 Judy Helburn - 2 year  
 Elizabeth Airth - 2 year

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
 Noes: None

Navigation Board

Councilmember Linn moved that the Council appoint the following to the Navigation Board:

Jeff Geeslin - 2 year	Allen Searight - 1 year
Bob Bright - 2 year	Mrs. Charles Smith - 3 year
Conrad Fath - 1 year	Bebe Champ - 3 year
Bill Nalle - 1 year	

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

Parks and Recreation Board

Councilmember Trevino moved that the Council appoint the following to the Parks and Recreation Board:

Hector Fabela - April 1, 1976  
Francie Breyfogle - April 1, 1977

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

APPEARANCE TO DISCUSS AN AMENDMENT TO THE  
WRECKER ORDINANCE

Mr. H. Glenn Cortez, representing Mr. Sam Finger, noted that Finger Towing Service has been operating under contract with other automobile dealers and repair shops to perform towing service. He stated that the new Wrecker Ordinance prevents this type of operation with respect to collision rotation calls in that the sign that identifies the permit holder has to be painted on the side of the truck. Therefore, Mr. Finger's wrecker serving under a contract for a repair shop could not maintain the towing service sign and perform collision rotation calls for the permit holder. Mr. Cortez felt that the purpose of the Ordinance was to provide a prompt and efficient method of clearing the wreckage and if this ordinance is not changed, then this would not be possible. He submitted that the Ordinance should be amended to allow this towing service to answer calls on behalf of persons with whom Mr. Finger has legitimate contracts on the rotation list. He suggested that each permit holder obtain their own permit and answer calls for the permit holder who is called on the collision rotation list. Mr. Cortez did want the City to receive prompt and efficient service.

In response to Mayor Friedman's question, Mr. Cortez stated that the Ordinance requires that the names be in 3-inch letters and felt it would be confusing if several names were on the door. However, Mr. Cortez suggested that one main permit holder be listed with any subsidiaries placed in smaller letters.

Councilmember Lebermann commented that the Ordinance was developed by his office and felt that the problem presented by Mr. Cortez was one of concern. He indicated that eventually wrecker services would be incorporated into contract entities as more body shops get out of the wrecker business and did not think the problem would be solved.

City Attorney Don Butler stated that this was strictly a policy decision for the Council and felt the ultimate issue involved was whether one wrecker service was going to be on the rotation list several times just because it has contracts with several different entities.

Mr. Cortez submitted that he was not attempting to get one person on the rotation list several times, but each permit holder would be on the list one time.

Councilmember Lebermann felt there was a problem with a company that is exclusively in the business to contract this service for other business entities being on the rotation list. He suggested that the City Attorney work with the Council, his office and Mr. Finger to solve this problem.

Mr. Cortez stated that time was very important since the City is enforcing this Ordinance and would like to expedite this. Mayor Friedman commented that the City Attorney would proceed with all speed to have this resolved.

#### REQUEST FOR FUNDS

Mr. Junious E. Scott, Chairman of St. Johns Community Association, appeared before the Council to request additional funds to complete the new addition to the St. Johns Neighborhood Center. Mr. Scott thought that the \$36,000 that had been granted would be sufficient to complete the job; however, the bidding turned in by the contractor was too low, and they encountered financial difficulties.

In response to Councilmember Linn's question regarding where the money would come from, Mr. Homer Reed, Deputy City Manager, commented that possibly it would come from the City's general revenue. He suggested that a report be prepared and present it to the Council next week for their review.

Councilmember Linn moved that the Council instruct the City Manager's office to prepare a report on the available sources of funds and present it at the January 22, 1976, Council meeting. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

#### IMPROVEMENTS TO BROOKE ELEMENTARY SCHOOL

The Council had before it a report on the requested improvements to the Brooke Elementary School Playground. MR. MIKE SEGREST, Assistant Director of Parks and Recreation Department, noted that an evaluation was made concerning this situation at Brooke Elementary School and referred to the report that was presented to the Council. By use of slides, he reviewed the school site and how it related to some of the surrounding recreational facilities. Mr. Segrest noted that the Parks and Recreation Department did not anticipate extensive growth in the area and recommended that a park area or playground not be developed at this time, utilizing the bond funds that have been allocated for other park development. He felt that there were other priorities in the Capital Improvements Program in vital need of park facilities and would not recommend that any monies be transferred from these approved C.I.P. locations. If the Council desires to fund this project, Mr. Segrest suggested that possibly HCD funds could be utilized for this or contacting the Austin Independent School District to provide the land at no cost and private investment provide the facilities and equipment.

In response to Mayor Friedman's question concerning contact with the School District, Mr. Segrest stated that he had not contacted the School District with regard to allowing the City to place recreational equipment at the school without buying the land. Mayor Friedman felt that since this was a community school, part of the responsibility is shared by the School District, and at a minimum the School District should be contacted by the staff to seek a waiver regarding purchase of the land. In response to Councilmember Himmelblau's question as to what is available in the way of a playground, Mr. Segrest noted that no equipment was at the school site and the School District only provides the very minimum.

Councilmember Trevino felt that the only source for funds would be through HCD, and Mr. Segrest commented this would be a logical source. Councilmember Trevino expressed the HCD monies are also being needed for other problems and suggested that before the Council makes any decision that the Austin Independent School District be contacted and the staff meet with the neighborhood to discuss what can and cannot be done at the school. He also suggested that someone from the Planning Department and the Parks and Recreation Department be included in this meeting.

Mrs. Mary Hernandez, from Brooke School, referred to the figures concerning the development costs that were presented in the report. Mr. Segrest stated that the figures were based on census information that was obtained. Mrs. Hernandez indicated that their campus coordinator would be doing a survey very soon and that this survey would reflect the real population of the community as well as their needs. She stated that Brooke families did not use the playgrounds on 7th Street and 3rd Street due to their being isolated and the dangerous crossing. Mrs. Hernandez stated that the neighborhood would be requesting for a zoning change.

Mayor Friedman felt that the meeting suggested by Councilmember Trevino is important and the City would be working with the School District since they do have a share in this responsibility. All alternatives will be explored to find a way to create a recreational area at Brooke School. He asked Councilmember Trevino to arrange a meeting with the staff and Brooke Elementary as soon as possible, and the staff to proceed with contacting AISD.

#### SENIOR CITIZEN CENTER SITE LOCATION

Mr. Mike Segrest presented a report to the Council regarding the location for the Senior Citizen Center. He commented that the Parks and Recreation staff, with the cooperation of other appropriate City departments, had considered various alternatives of purchasing an existing building or the construction of a building for a Senior Citizen Center. It was agreed that the most desirable solution would be to construct a facility rather than purchase an existing facility so that something would be constructed that would be functional and meet the needs of the community.

Several sites were evaluated in regard to possible location for the center and the two sites agreed to were the following:

1. Bailey Park
2. Twenty-ninth and Lamar Boulevard

In response to Councilmember Linn's question concerning the purchase of the property, Mr. Segrest commented that purchasing property with an existing structure would involve extensive remodeling, and felt a better facility could be obtained by construction than by remodeling.

Councilmember Linn was concerned that the land at Bailey Park was park land and to build this facility would take over an acre. She felt that the open space was needed for the people utilizing the park. Mr. Segrest noted that one summer the park experienced an increase in use, but for the past several years it had experienced a decline. Mayor Friedman felt that Bailey Park was utilized quite extensively due to the young adults in the area.

In response to Councilmember Linn's question concerning the second choice of the Coalition of Senior Citizens, MR. TOM JOHNSON, representing the group, noted that their first choice was Bailey Park due to the level ground and trees and recreational facilities. The second choice was the First Presbyterian Church located on Bull Creek.

In response to Councilmember Hofmann's question concerning the disadvantages of the location at 29th Street and Lamar, Mr. Johnson stated there was the problem of elevation and traffic hazard. The church facility does not have any stairs and people in wheelchairs could come in and adequate space for meetings of various retired groups in Austin. Mayor Friedman noted that bus lines were located at the 29th Street and Lamar location.

Mr. Johnson read a report prepared by the City concerning the location at 29th Street and Lamar enumerating the advantages and disadvantages of that location.

Mr. Segrest indicated that if the Bailey Park location was used, that the existing recreational facilities would not be removed but the open space involving the ball field would be eliminated.

Mr. Johnson submitted that he was Chairman of the "Seek and Find Committee" to locate a site for this project and found the two presented today. Mr. Johnson expressed his approval of the Bull Creek site rather than the one at 29th Street and Lamar due to less traffic and the arrangement of buildings would be suitable for their purposes.

Mayor Friedman suggested that the Council be given more time to study the advantages and disadvantages of this and invited any thoughts from the citizens concerning the sites.

In response to Mayor Pro Tem Snell's question concerning the location at Bull Creek, Mr. Johnson stated that this location would be on bus lines and accessible to the entire area of Austin. He pointed out that in the Retiree's Coordinating Board there is a committee that is ready to provide any information that the Council would want regarding this matter. Mayor Friedman suggested that Mr. Segrest meet with Mr. Johnson and the committee to discuss this and have a decision ready for the February 12 Council meeting regarding the final site selection.

Councilmember Trevino moved that the Council request that a report on the final site selection for the Senior Citizen location be presented at the February 12 Council meeting at 2:30 p.m. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: None

#### RELEASE OF EASEMENTS

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following easements:

Portions of Public Utilities Easements and common area being out of and a part of Lot 117, and adjoining Lot 14-A and the resub-division of Lot 14 Amended Old Town - Phase Two Section One and Lots 15, 16, 17 and 18 of Amended Old Town - Phase Two Section One. (Requested by Clinton P. Rippy, Registered Public Surveyor, representing N.P.C. Associates, owners)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following easement:

All of the Public Utilities Easement five (5.00) feet in width which covers all of the south five (5.00) feet of Lot 1, Birchwood Addition, Section I. (Requested by Clyde J. Medlock, owner of Lot 1, which has been resubdivided to Medlock Subdivision)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

#### LICENSE AGREEMENTS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following license agreement:

Permitting encroachment by facings on brick columns, in the 100 Block of East 8th Street and the 800 Block of Brazos Street, adjoining Lots 9, 10, 11 and 12 of Block 97 of the Original City of Austin. The encroachment would consist of twenty-nine (29) brick columns facings and containing 67.88 square feet of land, each of the facings would be 1.00 by 2.34 feet. Eighteen (18) facings being out of and a part of Brazos Street and eleven (11) facings being out of and a part of East 8th Street. (Requested by Judy Johnson, President of the Texas Commodore)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following license agreement:

Permitting encroachment by an overhead pedestrian walkway bridge over West 34th Street in the 800 block between West Avenue and Grandview Street. (Requested by William T. Carlisle, Daugherty, Kuperman & Golden, Attorneys, as agent representing W. 34th Street Corp. & Austin Diagnostic Clinic Association, owner of property on both sides of West 34th Street in the 800 block.

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

Mayor Friedman noted that the second item of the above was referred to the Environmental Commission Board and the Planning Commission as well as the Neighborhood Coordinating Committee and all agreed with the proposed structure. He thanked Mr. Daugherty and his clients for working on this and appreciated the opportunity they gave the Council of studying the structure.

#### CONTRACTS AWARDED

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

<p>THOMPSON-HAYWARD CHEMICAL COMPANY 222 Seguin Street San Antonio, Texas</p>	<p>- Ferrous Sulphate, granular, used in water treatment application. 12 months supply agreement Estimated 400 tons of Item No. 1 (Heptahydrate form) at \$67.50/ton and/or estimated 270 tons of Item No. 2 (Monohydrate form) at \$101.25/ton; estimated total award \$27,000.00.</p>
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The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

<p>MOTOROLA, INC. 3320 Belt Line Road Dallas, Texas</p>	<p>- 23 Mobile Radios, Urban Transportation Department Item 1 - Ea. @ \$834.00 Total \$19,182.00</p>
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The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

AM GENERAL CORPORATION	- 18 Transit Buses, Urban
32500 Van Born Road	Transportation Department
Wayne, Michigan	Item 1 - Ea. @ \$57,995.00
	Total \$1,043,910.00

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

Councilmember Hofmann asked if this included any mini buses, and Mr. Joe Ternus, Director of Urban Transportation noted that it did not but were standard coaches. The advantage of these buses will be the larger visibility that is afforded by the windows. These buses will not be equipped with special lifts for wheelchairs, but there are some on order. Councilmember Hofmann was impressed with the larger windows and felt that it would encourage more people to utilize the buses.

Councilmember Linn moved that the Council adopt a resolution awarding the following contracts, with Mayor Friedman noting that the third and fourth items were withdrawn since it is machine gun ammunition that is no longer needed:

Bid Award:	- Police Equipment, Police Department
CALIFORNIA ELECTRONIC POLICE EQUIPMENT	- Items 1, 10, 13, 14, and 15
1627 East Edinger - Unit C	\$5,396.00
Santa Ana, California	
BETTS & MAJORS, INC.	- Item 8 - \$3,300.00
11848-C East N. W. Highway	
Dallas, Texas	
SECOND CHANCE BODY ARMOR (withdrawn)	- Item 16 - \$1,400.00
2 C Muckle Road	
Central Lake, Michigan	
W. H. RICHARDSON COMPANY (withdrawn)	- Items 2 and 5 - \$1,035.70
3708 Woodbury	
Austin, Texas	

GEORGE F. CAKE OF TEXAS - Items 6, 7 and 12 - \$971.50  
1200 Fifth Street  
Berkeley, California

TEXAS PUBLIC SAFETY EQUIPMENT - Item 9 - \$642.00  
1900 Guadalupe Street  
Austin, Texas

Item 11, no bid received, will rebid.

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

Councilmember Linn moved that the Council adopt a resolution awarding the following contracts:

Bid Award: - Item 1, 3500 feet Random Length  
used steel Pipe with outside  
diameter of 7". Item 2, 1500  
feet Random Length of used Steel  
Pipe with inside diameter of  
8-1/8".

AUSTIN METAL & IRON COMPANY - Item 1 - \$8,575.00  
908 East 4th Street  
Austin, Texas

TAYLOR BACKHOE COMPANY - Item 2 - \$4,500.00  
1528 North Main  
Borger, Texas

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

UTILITY JOINT USE AGREEMENT FOR INSTALLING WATER  
AND WASTEWATER MAINS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing a Utility Joint Use Agreement with the Texas Highway Department for the purpose of installing water and wastewater mains within Loop 360. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

## UTILITY JOINT USE AGREEMENT TO INSTALL A WATER LINE

Councilmember Himmelblau moved that the Council adopt a resolution authorizing a Utility Joint Use Agreement with the Texas Highway Department for the purpose of installing a water line within the Spicewood Springs Road area of Loop 360. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

Mr. Curtis Johnson, Director of Water and Wastewater, stated that the two aforementioned were for new lines in the same general vicinity. The lines are needed for the subdivisions that will be built when the various permits from the Highway Department are obtained. If the agreement was not entered into at this time, the subdivision would not proceed as regards the utilities. Councilmember Lebermann felt that since this area was annexed, it was an obligation for the City to proceed with this.

## CONSTRUCTION AND MAINTENANCE AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the acceptance of the construction and maintenance agreement between the City of Austin and the State Department of Highways and Public Transportation relative to signal construction on Burnet Road from Anderson Lane to U. S. Highway 183 in the City of Austin. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

## SELECTION OF SOILS INVESTIGATION AND ENGINEERING TESTING SERVICES

Councilmember Linn moved that the Council select the firm of SHILSTONE ENGINEERING TESTING LABORATORY, INC. in connection with Capital Improvements Projects at Northeast Fire Station. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

Councilmember Linn moved that the Council select the firm of STAPP-HAMILTON & ASSOCIATES in connection with Capital Improvements Projects at the Community Development District No. 12. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

Councilmember Trevino asked if there was any effort to include minority contractors, and MR. A. M. ELDRIDGE, Director of Construction Management Department, stated that there are no minority contractors or engineers in this area that do this type of testing.

Motion

Councilmember Linn moved that the Council select the firm of SNOWDEN & MEYER, INC. for Soils Investigation and Engineering Testing Services in connection with the Capital Improvements Project at Brackenridge Parking Structure. The motion died for lack of a second.

Motion

Councilmember Lebermann moved that the Council select the firm of TRINITY ENGINEERING TESTING CORPORATION for Soils Investigation and Engineering Testing Services in connection with the Capital Improvements Project at Brackenridge Parking Structure. The motion was seconded by Councilmember Himmelblau.

Mayor Friedman felt that the work should be distributed equally among the other firms. Councilmember Trevino agreed with the Mayor. Mr. Eldridge commented that the reason this particular firm was recommended for the project was due to currently working in this area and would be available for the entire job.

Substitute Motion

Councilmember Linn moved that the Council select the firm of SNOWDEN & MEYER, INC. for Soils Investigation and Engineering Testing Services in connection with the Capital Improvements Project at Brackenridge Parking Structure. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor  
Pro Tem Snell, Councilmember Hofmann  
Noes: Councilmembers Lebermann, Himmelblau

SELECTION OF PROFESSIONAL ENGINEERING SERVICES

Councilmember Trevino moved that the Council select the firm of PARKS AND RECREATION PLANNING ASSOCIATES, INC. in connection with the following:

1975-76 Capital Improvements Program Project for the Parks and Recreation Department: Site Grading and Drainage Improvements for Southeast District Park

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

Councilmember Trevino felt that in the future the staff should give priority to the local firms and requested that every time recommendations are made to the Council that the staff include some local firms. Councilmember Linn agreed that as many Austin people be employed as soon as possible.

Mayor Pro Tem Snell felt that some of the firms should do better in the area of minority recruitment.

Councilmember Trevino stated that if the Council would look favorably, the businesses would be in a position to move on a more positive affirmative action program.

#### GRANT REQUEST TO PROVIDE MANPOWER SERVICES

The Council had before it for consideration the possible authorization of a grant request to the Federal Department of Labor for \$88,715 to provide manpower services to persons of limited English-speaking ability. In response to Councilmember Linn's question concerning the limited English, MR. ANDY RAMIREZ, Director of Human Resources Department, stated that the grant was primarily aimed at limited English-speaking people that do not use English as a primary language.

Councilmember Linn instructed the Human Resources Department to include in this English for Black people and English for lower social-economic White people because they also have limited English and could profit from this.

Councilmember Trevino moved that the Council adopt a resolution authorizing submission of a grant request to the Federal Department of Labor for \$88,715 to provide manpower services to persons of limited English-speaking ability. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

#### AFFILIATION AGREEMENT WITH AUSTIN COMMUNITY COLLEGE

Councilmember Himmelblau moved that the Council adopt a resolution authorizing an Affiliation Agreement between the City of Austin for Brackenridge Hospital, and Austin Community College, Radiological Technology Program. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Trevino

#### APPOINTMENT OF COUNSEL FOR THE COASTAL STATES - LOVACA LAW SUIT

Councilmember Lebermann moved that the Council appoint the firm of NAMAN, HOWELL, SMITH & CHASE as local counsel in Waco, Texas, to assist in the Coastal States-LoVaca law suit. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

SOUTHWESTERN BELL TELEPHONE COMPANY HEARING ON RATE REQUEST  
SET

Mayor Friedman moved that the Council set the first public hearing to consider the Southwestern Bell Telephone Company rate request and franchise revisions on February 5, 1976 at 2:30 p.m. and to continue the hearing, if necessary, on February 12, 1976. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

HEARING ON PROPOSED AMENDMENTS TO THE SOUTHERN  
UNION GAS COMPANY FRANCHISE

Mayor Friedman opened the public hearing scheduled for 7:30 p.m. to consider proposed amendments to the Southern Union Gas Company Franchise. Mayor Friedman pointed out that the franchise itself was not under consideration today, but only the requests made by the gas company for the Council to consider as well as those few items that the Council and the Legal Department may have thought desirable to also include in the discussion. He noted that the Council could not approve any franchise amendment without the agreement of the gas company and the gas company could not institute procedures until the Council gives approval.

MR. R. M. LACZKO, District Manager of Southern Union Gas Company, reviewed the requests that the Southern Union Gas Company had regarding amendments to the franchise as follows:

1. To redefine, in Section 1 of the franchise, the term "gas" to include alternate or supplemental fuels in addition to natural gas. This is found in Part 1 of the amendatory Ordinance.

Mr. Laczko commented that Southern Union Gas would like to have available the flexibility of either purchasing additional supplies of various types of manufactured and synthetic gas or be able to manufacture some mixture which would in physical and burning properties be consistent with the type of natural gas that we currently have. He noted that this was something for the future.

City Attorney Don Butler stated that some time in the future this may be necessary, but felt it was a little early to give an open ended authority. His recommendation to the Council would be that if authority is to be given, let the Council retain the right to specify when and what type fuel, etc.

MR. JERYL HART commented regarding the use of substitute fuels and noted that the specific gravity of the fuel would not be such that would be heavier than air, unless everybody was alerted and provisions made for a different type of venting and such.

Mayor Friedman felt that this was a very valid point.

MR. DAVE ELLIOTT, agreed with the City Attorney that if this was not needed, it should not be permitted.

Mr. Lazcko proceeded with the second amendment to the franchise as follows:

2. To reword and change Section 5 thereof by deleting the entire language contained in Section 5 and substituting therefor the following:

"Grantee shall extend its facilities to provide gas service to customers applying therefor strictly in accordance with all lawful orders, rules and regulations of regulatory authorities having jurisdiction and with Grantee's applicable rules of service from time to time in effect."

Mr. Lazcko indicated that a copy of rule 16 in the Southern Union Gas Company's "Rules of Service" had been furnished to the City Attorney, and it described the procedure currently being used in other localities where it is permitted. Basically what it does is eliminate the 100-foot allowance for a customer and substitute instead approximately 5 years worth of net revenue as the allowance toward the installation of main lines and would be willing to extend our facilities for a new customer. The \$100.00 would cover only footage in what is called "mainline piping."

City Attorney Butler felt Mr. Lazcko was substituting a 100-foot policy in lieu thereof instituting a \$100.00 policy. He expressed that ultimately it is the Council's decision as to who is to bear the cost of the extensions and did think that the extension policy as contained in the Rules of Service should be subjected to Council approval. Mr. Butler stated that the proposed change should be revised to put a greater obligation on the Gas Company to extend services. Also in reference to the wording he thought that all of the payments by customers should be considered contributions in aid of construction, not a part of the rate base at any time. His main objection was that the Council would not have the control that it might otherwise desire to have and felt it should have some mechanism for approving this.

Mr. Lazcko commented that under the proposed revision, he would not have any reason for not extending facilities. Mr. Lazcko submitted that because the developer will be putting up a greater portion of the cost of the facilities in the future, that the capital investment would ultimately be reduced and in some future rate cases there would be a smaller rate base upon which to earn. He suggested that the contribution in aid of construction should take place immediately, and an investigation as to how these are handled show that any advances are credited to a Utility Account No. 252, which is called advances.

Mr. Butler commented that if the 252 account was a deduction from rate base, then he would like it so stated in the policy. Mr. Lazcko posed no objection.

MR. J. W. SMITH requested that Mr. Lazcko explore what the ultimate results of the change of this one item would be for the general public. At this time Mr. Lazcko read from the "Rules of Service."

MR. JOHN MCPHAUL appeared in opposition to amending the franchise especially in this area of item (2). He was concerned with the proposed wording change in Part 2 and felt that the change in wording would result in financially devastating to developers and individual home owners. He felt the wording would

allow the gas company to change the rules of extension at any time without the approval of the Council, thereby circumventing the Council's ordinance-making powers and makes it unnecessary for the gas company to come before the Council should they at a future date want to change the rules again in regards to the extension of service. He proposed that any amendment adopted should be that the gas company install its own installations and improvements at no cost to any one except the gas company.

Mr. J. W. Smith felt that if the amendment was adopted it would mean that each lot that a home would be built on and ultimately sold to a customer would have increased in price by \$950.00. Mr. Smith stated this in reference to an example that he presented.

MS. EDITH BUSS appeared before the Council with a problem concerning a gas leak in her yard and was informed by the gas company that it would have to be repaired at her expense. She felt the gas company was having her pay for what essentially belonged to them, since the gas line was located from the street to the meter. Mayor Friedman noted that this would be discussed when the presentation was completed.

MR. MAURY HOOD expressed that he did not want the City in any way to give up any kind of control and felt that the City was dealing with a private enterprise system and should not be subsidizing.

MR. SID JAGGER stated that if the Council decided on this amendment, to which he was opposed, that rather than have the \$100.00 rebate that was being discussed that would come in over a 5-year period, that whatever cost the gas company was going to bear should be done initially.

MR. N. A. GIBLIN, President of the Austin Board of Realtors, expressed that he was opposed to the proposed changes by the gas company.

MR. SCOTT McCARELL, a member of the Texas Consumers Association, did not agree with the proposal and did not think it should be accepted by the Council.

Mr. Lazcko proceeded with item 3 as follows:

3. To delete the last 3 lines of the next to the last sentence in paragraph 1 of Section 7 and to change the last sentence of that paragraph so as to allow Southern Union to make a nonrefundable service charge of at least \$10.00 for establishing, re-establishing, transferring or relocating service. This would be more in keeping with the current cost of providing such services. The language is found in Part 3 of the Ordinance.

City Attorney Don Butler commented that an increase from \$5.00 to \$10.00 on service charges might be in order as a minimum. He suggested that the Council retain its regulatory authority and protect the ratepayer by retaining control over this pricing list, since the ratepayer is in this instance, a captive and cannot seek competitive pricing otherwise.

Mayor Friedman questioned the charge of a fee for getting new customers.

Mr. Lazcko noted that the fee of \$5.00 had been charged for many years and as inflation has taken place, as labor rates have increased, as labor contracts with their employees have been negotiated, their costs for performing this service had increased.

MR. DAVE ELLIOTT appeared in opposition to this as a consumer primarily, and for the people that might be coming into Austin. He was opposed to the gas company getting any more of the dollars of the citizens of Austin.

MR. JIM BOYLE, Executive Director of the Texas Consumer Association, appeared in opposition and requested that the Council not approve anything that related to general retail pricing list. He did express their respect for the City Attorney's opinion that perhaps an increase is necessary in the service charge.

MR. JOE JOSLIN agreed with Mayor Friedman's comment concerning the charge to new customers. MR. JIM ROCK was concerned with the increase in transferring and did not think the extra bookkeeping work would justify it. Mr. Lazcko reviewed the procedure, and noted that this was not a workless transaction.

Mr. Lazcko then proceeded with item 4 as follows:

4. To delete the second paragraph in Section 7 which would permit collection of a uniform security deposit of two times an estimated maximum monthly bill or a minimum of \$10.00 which is currently applicable to only industrial customers. Again, he felt this was more in keeping with current economic conditions.

The City Attorney stated that this should not be locked into the franchise thereby putting the Council in the position of being unable to change this; he did think that the Council might wish to examine the deposit policies from time to time. The Council should retain flexibility to change this and perhaps in some cases where a customer has had a good record for a period of a year or so, that he be able to get that deposit back. Mr. Lazcko commented that he was not asking this deposit from new customers but from commercial customers.

Mr. Jim Boyle, representing the Texas Consumer Association, felt that this amendment would place the gas company in an untenable position and was opposed to this request for the deposit.

MR. FLOYD BAKER, Secretary of the Black Citizens Task Force, stated that he was representing the poor people and gave a testimonial concerning the high price of gas.

MR. PAUL DEVOOGHT, a resident of 2009 East 1st Street, appeared in opposition to this amendment. Mr. Lazcko noted that a deposit would be requested only if the service was disconnected. Mr. Joe Joslin stated his opposition to this amendment and questioned the additional revenue which would be generated from increased security deposits.

MR. RICH ELMER, associated with the Apartment Association, felt that some guidelines on establishing credit and maintaining credit should be established. He also would like to see the same procedure followed as the City Electric Department in that there would be a fixed rate; and that it should be refundable in some period if good faith is proven by the customer.

Mr. Scott McCarroll was opposed to the rate of interest and felt the rate of interest that is refunded could be the rate of interest that the gas company gets by having money at their service, or why money could not be placed in a trust fund that would benefit somehow by the customers.

Mr. Lazcko proceeded with item 5 as follows:

5. To change the minimum BTU requirement in Section 8 of the franchise from 1,000 to 950 BTU per cubic foot. This is found in Part 5 of the Ordinance.

He felt that this change was needed since the franchise is somewhat restrictive regarding BTU content.

City Attorney Butler indicated that there possibly would be difficulties with the present provision in the franchise since the way it is written it would be impossible to enforce without an outlay of some \$40,000 on the City's part and a constant monitoring. He felt there should be some revision so that the City is sure that on the average we obtain 1,000 BTU gas and the testing would be conducted at our local generation plant or at the University of Texas plant. There should also be some incentive on Southern Union's part so that they might have to be penalized a reasonable amount and could appear before the Railroad Commission and request 1,000 BTU gas for the ratepayers.

Mr. Dave Elliott felt there was a deception to the public since the gas company was advertising that they were drilling wells to furnish people with the necessary gas and Mr. Lazcko stated that there was no alternate source other than Coastal States.

Mr. Lazcko commented that Southern Union Gas was drilling wells; however, there were none furnishing gas to Austin.

Mr. Lazcko then proceeded with item 6 as follows:

6. To reword Section 10 of the franchise so as to place primary emphasis on availability of alternate or additional supplies rather than price. This is located in Part 6 of the Ordinance.

Mr. Lazcko in reviewing an explanation of this noted that at the present time, the franchise states that Southern Union would have to come to the City Council in public and tell them of wanting to purchase gas from a supplier and how much the bid would be. Then the Council would have to approve this bid before the gas could be utilized and charged to the customers. He felt this virtually excluded them from using that alternative to improve a supply for the Austin system.

City Attorney Butler stated that the Council did need to retain its control and by the way it is written the Council is still going to get some input regarding this. Mr. Lazcko commented that he wanted to make price not the primary consideration, but availability. Mr. Butler wanted the Council to give consideration to price and to availability and felt they were both valid factors.

Mayor Friedman noted he was concerned with the prices that LoVaca was paying for gas and if it was the lowest and best.

Mr. Lazcko responded by saying that audits have been performed on their purchases and it indicated that they were not outbidding anybody, and were paying what everyone else is paying.

Mr. Lazcko proceeded with item 7 as follows:

7. To delete Section 12 regarding curtailment priorities and substituting language which would reflect current regulations.

Mr. Butler requested that there be a slight change in the wording so the gas company would not be absolved from any liability in the event that the shortage was of their wrong doing.

Mayor Friedman noted that this concluded the 7 points of the proposed amendments and that the City Attorney had additional information to present at this time.

City Attorney Don Butler stated there were some items that the Council may wish to consider as well as any additional comments the public might have. He commented that the franchise is in effect a contract since it takes both parties to agree to a change and felt the ratepayer should have a few changes also. Some of the items the Council might want to consider would be the following:

1. The discount policy.
2. Deferred payment for installation of yardline and the responsibility and repair of old yardline.
3. The disconnect policies of the company.
4. The independent contractor problem.

Ms. Edith Buss felt that a policy should be established that would work for all the citizens of Austin. At this time, she stated that she was representing the Travis County Democratic Women's Committee and expressed their concern with several areas:

1. This would be the late penalty payment and they did not consider this to be a discount. She felt that the gas company was attempting to set a precedent on the kinds of deposit that they were requiring of customers.
2. The gas company is not required to reveal the true charges under the Truth and Lending Law, and would be required to do this only if the Council requested it.
3. She felt that the company was discriminatory in various cities where it provides gas. Some have late penalty charges and some don't.
4. Fuel adjustment charge is not correct since there is no indication of just what that charge is and felt this should be pointed out, as is done with the electric bills.

Ms. Buss made the following recommendations:

1. That the Council seek the reduction of the late penalty payment to coincide with the extension of credit.
2. The current grace period for payments be extended to 25 days instead of 2 weeks.
3. The Council require a critical review of the fuel adjustment and how it is passed on to the customers.
4. That the late penalty payment be identified in the monthly billing, and that the fuel ~~adjustment~~ be itemized.
5. That the Council investigate the ~~gas~~ pipe replacement charges.

Mr. Lazcko asked that Ms. Buss contact this office and he would be glad to answer any questions concerning the yardline problem.

City Attorney Don Butler felt that the 100% fuel adjustment clause was the reason for the LoVaca problem that the City was now experiencing. The fuel adjustment clause was granted to Southern Union by the Railroad Commission thereby allowing them to pass it on to the customer. The late payment penalty is also a part of the rate that was granted to Southern Union.

Mr. McPhaul felt that payment of interest should be to the subdividers and would like competitive bidding on the gas.

Mr. Dave Elliott requested that the Council consider the possibility of Austin becoming one of the first cities to obtain its own gas supply.

Mayor Friedman concluded the public hearing by stating that everybody had presented some good points and with all of the suggestions from the public as well as the requests from Southern Union, it would be impossible to make any decision tonight. It was his suggestion that continued discussion and development of the proposals by the City Attorney with the City Manager and the Council be held with additional input from the gas company. Mayor Friedman invited any comments from the citizens that were not discussed tonight. He pointed out that by not taking any action tonight, none of the policy changes or charges would go into effect; it would just remain at the status quo pending more study in an attempt to create some proposals that both the City and Southern Union will accept.

A transcript of this hearing will be on file in the City Clerk's office.

#### Motion

Councilmember Linn moved that the Council close the public hearing and that continued discussion and negotiation with the citizens and Southern Union Gas Company proceed. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: None

## HEARING ON PROPOSED SIGN ORDINANCE

Mayor Friedman opened the public hearing scheduled for 7:30 p.m. to consider the proposed Sign Ordinance. MR. LONNIE DAVIS, Director of Building Inspection, noted that the final report of the Sign Committee had been distributed to the Council. In reviewing the status of the committee, Mr. Davis commented that the committee originally had five members and at the present time has four. He introduced three of the members: Mrs. Joyce Klein; Mr. Bob Miller and Mr. Hugh Hornsby.

At this point, Mr. Davis reviewed the changes in the Sign Ordinance and noted that there were 83 changes made in the Ordinance. Mr. Bob Miller, associated with Duplex Advertising and a member of the Sign Committee, commented that with regard to the amortization it applied only to the signs that are presently legally erected. Mrs. Joyce Klein, a member of the committee, emphasized that she did have some concern regarding the 15-year amortization period. In the next year or so when the courts establish what the time period will be, it is the possibility that it could be 10 years, and then the City would be left with the 15-year period. However, the Ordinance provides that any time a sign undergoes a permittable act it would need to come into compliance. In response to Councilmember Hofmann's question concerning signs on governmental entities, Mrs. Klein commented that they are exempt and schools would come under the City guidelines. Mr. Hugh Hornsby, also a member of the committee, noted that the committee had worked on the Sign Ordinance for 10 months and felt that they had compromised on the recommendation to the Council.

MR. DAVID WHITEHILL asked if a fine could be placed on any signs that were illegal and ~~are attached to~~ at the present time, Mayor Friedman indicated that if they were illegal, they would have to be removed and the owner fined. In response to another question, Mr. Lonnie Davis submitted that if a sign exceeds 32 square feet that it would require a license. Mayor Friedman suggested that Mr. Whitehill go to the Building Inspection Department and get specific answers to some of the questions concerning the new Ordinance.

MR. TOM DeSTEIGER, representing eight real estate dealers that operate with Century 21, in ~~referring~~ to the section of the Ordinance that provides for temporary signs erected, noted that the signs were restricted to 40 inches in height and 4 square feet. Mr. DeSteiger presented photographs to the Council showing the placement of the Century 21 signs and the Red Carpet signs. He requested that this particular paragraph be changed and submitted three alternate requests:

1. Amend it to 66 inches instead of 40 inches in height and the area be in excess of 6 feet.
2. To consider a "grandfather clause" to allow people to use signs that have been purchased.
3. Since a request for a permit costs \$6.00 each time, Mr. DeSteiger requested that a provision be included in the ordinance that would permit anyone operating under a franchise be allowed to have an annual permit.

Mr. Hugh Hornsby noted that this was discussed by the committee and after a lengthy debate, felt that 4 feet was best. The grandfather clause would not be of any benefit to Mr. DeSteiger since their current signs were illegal in that they do not have a permit.

MR. G. A. GIBLIN, President of the Austin Board of Realtors, commented that with the exception of Century 21, that most realtors were in agreement with the residential ordinance. He felt that the owner was responsible for having their "For Sale" sign tagged with the date it was erected or making sure that the agent did this. Also of concern was the point that there were not any real estate agents included on the Sign Committee and felt that in the future this should be given consideration. He requested that the commercial part of the Sign Ordinance be postponed since it was of concern to several of the realtors. Mayor Friedman pointed out that the Council would consider the realtors and that the Sign Committee was not appointed by this Council.

MR. KEN CARR, associated with the commercial real estate business, felt that the Ordinance was basically a good one and agreed with the majority of it; however, there were some parts he thought were inequitable with regard to the real estate industry. He requested that the adoption of the Ordinance be postponed to allow the agents time for input, then a satisfactory solution could be attained. He expressed that his specific concern was pertaining to the temporary sign that would advertise "For Sale" or "For Lease" of property, especially commercial property. Mr. Carr's proposal would state that an annual permit would be issued to a company to allow signs to be erected and in the event that the Ordinance was violated, that a fine be issued.

Councilmember Himmelblau suggested that the permits be issued on a yearly basis for the number of signs needed. In response to Councilmember Lebermann's question concerning temporary signs, Mr. Carr submitted that a sign erected on a piece of property usually averages six months at the most.

Mayor Friedman stated that possibly there could be a provision that would request a larger sign on that property which is zoned "LR" Local Retail District, or any of its lesser restrictions. Mr. Davis noted zoning would have to be part of the Zoning Ordinance. In response to Mayor Friedman's question regarding the commercial signs, Mr. Miller commented that this was discussed by the committee. The existing Ordinance requires that any of these signs that are presently erected are required to be permitted.

Councilmember Lebermann wanted to make sure that this Ordinance would be fair and equitable as well as enforceable. He felt that the "blanket certification" for temporary signs was a wise idea.

Mr. Carr requested that this Ordinance passage be postponed to a later date to allow time for some revision of a part of the Ordinance.

Mr. Hornsby stated that the Sign Committee worked for 10 months to create this Ordinance as well as receiving much input from numerous public hearings. The reason for the "blanket" exemption for signs under 4 square feet was because anybody may want this type of sign on their property to sell their home. The real estate signs were some of the greatest offenders in violation of the present code; therefore, making the signs require a permit would make the real estate carry their share of the load.

Councilmember Lebermann stated that the process of having to tag the "For Sale" signs everytime they were moved could prove to be very burdensome and felt there could be another way for the real estate industry to pay their fair share.

Mayor Friedman indicated that he was not overly concerned with the \$6.00 permit fee per sign and felt that all could pay this amount for permits. MR. BOB LUNDSFORD felt that the real estate industry was being singled out to carry an unfair burden. He suggested that the Council delay the passage of the Ordinance until there could be more input. MR. JACK JENNINGS, a real estate broker, agreed with Mr. Carr's comments and felt that a "blanket" permit would be very feasible. MR. RICHARD WALLENSTEIN, a commercial broker, would like to have one "blanket" charge and asked the Council to consider Mr. Carr's suggestions.

Mr. Miller noted that Austin had tried the "blanket" permits and the Building Inspection Department encountered every bad experiences with the use of them. He reiterated that the Sign Committee has not singled any particular group out that the existing Ordinance prohibits the signs to be erected without a permit.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE REPEALING CHAPTER 3 OF THE AUSTIN CITY CODE OF 1967; ADOPTING A NEW CHAPTER 3 PROVIDING COMPREHENSIVE REGULATION OF ADVERTISING AND ALL SIGNS; ESTABLISHING LICENSE, PERMIT AND BOND REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilmember Linn moved that the ordinance be passed to its second reading. The motion was seconded by Councilmember Trevino.

Councilmember Lebermann felt there was a problem identified with the Ordinance and would like to see the passage of the Ordinance delayed one week to allow the concerned parties an opportunity to discuss the problem.

#### Substitute Motion

Councilmember Lebermann moved that the Council delay any action on this Sign Ordinance for one week to allow the concerned parties an opportunity to discuss the problem. The motion, was seconded by Councilmember Hofmann.

#### Roll Call on Substitute Motion

Roll call on Councilmember Lebermann's motion, Councilmember Hofmann's second, showed the following vote:

Ayes: Councilmembers Lebermann, Hofmann, Himmelblau

Noes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

The Mayor announced that the substitute motion failed to carry.

#### Roll Call on Motion

Roll call on Councilmember Linn's motion, Councilmember Trevino's second, to pass the Sign Ordinance through the first reading only and close the public hearing showed the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor  
Pro Tem Snell, Councilmember Hofmann  
Noes: Councilmembers Lebermann, Himmelblau

The Mayor announced that the ordinance had been passed through its first reading only.

HEARING ON TAXICAB RATES, PERMIT FEES AND PASSAGE  
OF AN ORDINANCE

Mayor Friedman opened the public hearing to consider taxicab rates, permit fees, and the passage of an Ordinance. MR. JOE TERNUS, Director of Urban Transportation, referred to the report that was presented to the Council that analyzed the financial conditions of the taxicab industry. The net revenue to the industry during the last year has decreased approximately 12%. After analyzing the conditions of the taxicab industry, Mr. Ternus recommended to the Council that an amendment be granted that would modify the taxicab rates as follows:

1. Establish fare of 70¢ for the first 1/4 mile and 20¢ for each additional 1/3 of a mile;
2. Eliminate charge for additional passengers;
3. Establish permit fee of \$35.00 per quarter.

In response to Councilmember Linn's question concerning the people that ride the taxis, Mr. Ternus commented that it was for senior citizens, businessmen and visitors. Councilmember Hofmann was concerned with the administrative costs of the taxicab ordinances, and Mr. Ternus indicated that he would furnish her with a detailed report.

MR. CARLOS VELASQUEZ, employed by Roy's Taxi Company, noted that the taxicab owners and representatives had a meeting concerning the rates and agreed that the proposed rates were suitable. In response to Councilmember Linn's question regarding the terminal fees, Mr. Velasquez noted he did not anticipate raising them.

MRS. DOROTHY HURD, part owner of the Harlem Cab Company, reviewed the staff of the cab company and requested that the Council consider amending the Ordinance due to their increase in costs for operating the taxicabs. After discussion it was pointed out that each owner of his cab would be responsible for paying his insurance.

In response to Councilmember Himmelblau's question concerning the setting of a terminal fee, Mr. Don Butler commented that the Council was concerned with setting taxicab rates and not to regulate the contract between the driver and the company. Therefore, he felt that the fee could not be regulated by the Council. Councilmember Himmelblau indicated that she had received comments that if the increase is not allowed, some of the companies will go up and the drivers won't realize any profit. Mayor Pro Tem Snell understood the drivers wouldn't get an increase.

MR. ROBERT SNEED, representing the Yellow Checker Cab Company, made reference to Councilmember Linn's question and stated that the basic fundamental division of fare was 60% to the driver and 40% to the company. After reviewing the cost of operation for the cabs, Mr. Sneed expressed that the taxicab industry in Austin will suffer a loss in 1976 unless the rate increase is granted. He pointed out that there were two different methods of operation and both would be subjected to the same rate franchise.

In response to Councilmember Lebermann's question regarding the Yellow Checker Cab Company's permits, Mr. Sneed indicated that he felt they were furnishing enough vehicles to accommodate the requests for taxis. Mr. Sneed urged that this recommendation of an increase be adopted.

SALLY BELLIGGIE, driver for one of the companies, expected that the cab companies should receive part of the increase and felt that if the increase is granted, it would be sufficient to give the drivers a raise and also help the company.

JAMES TOWNSEND, counsel for the Harlem Cab Company, assured the Council that if the increase was granted, the owners of the cabs would receive 60% of the increase and the drivers would receive 40%. He noted that the owners of the cabs did pay a terminal fee of \$26.00 per week and that there had not been any discussion of raising the terminal fee. Harlem Cab owns 4 cabs and leases 34.

MR. JOHN BELLIGGIE, a driver for Yellow Checker Cab Company, felt that the increase would benefit the drivers and provide better cab service. Councilmember Himmelblau felt that the increase would be beneficial for the industry and the drivers and recommended the proposal as presented by Mr. Ternus.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34, SECTION 34-42(b) OF THE AUSTIN CITY CODE OF 1967, MODIFYING TAXICAB RATES AND ELIMINATING THE CHARGE FOR ADDITIONAL PASSENGERS; AMENDING SECTION 34-27(b) BY INCREASING THE PERMIT FEE FOR TAXICABS FROM \$100.00 PER YEAR TO \$140.00 PER YEAR; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann

Noes: Mayor Friedman, Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman felt that although the increase in rate was granted, the improvement in service would not occur. He commented that the people who must utilize the cabs will have additional difficulty in affording the taxicabs, and will create more of a hardship for the consumer rather than for the cab companies to do without it for another year.

MR. JORGE GUERRA submitted that he felt there were not enough taxis to provide adequate service for the citizens.

## HEARING IN CONNECTION WITH PAVING ASSESSMENTS

Mayor Friedman opened the public hearing to consider Paving Assessments to be levied on the following streets, and passage of the Ordinances:

1. DUNGAN STREET and sundry other streets under Contract No. 75-Pa-106 covering 22 blocks.
2. WILLIAM CANNON DRIVE under Contract No. 74-Pb-140 covering 21 blocks.
3. PEYTON GIN ROAD under Contract No. 71-Pa-109 covering approximately 18 blocks.

Mr. Reuben Rountree, Director of Public Works, reviewed the areas to be assessed.

Mr. A. W. Tieken, an appraiser, stated that he had examined the property being considered for paving assessments to determine if the proposed improvements would increase the value of each owner's property to the extent of the assessment. He noted that there were 4 properties on Georgian Drive that needed to be reduced in assessments in order to stay within the limits. They are the following:

1. 8511 Georgian Drive - instead of \$2,808.75 that it be reduced to \$2,000.00.
2. 8800 Georgian Drive - instead of \$1,582.42 that it be reduced to \$800.00.
3. 8803 Georgian Drive - instead of \$1,142.44 that it be reduced to \$550.00.
4. 8805 Georgian Drive - instead of \$899.18 that it be reduced to \$450.00.

City Attorney Don Butler recommended passage of the Ordinances with the adjustments as testified to by Mr. Tieken.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR, FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION

OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.  
(Dungan Street)

Councilmember Lebermann moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (William Cannon Drive)

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

Mayor Friedman announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Peyton Gin Road)

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE TO APPROPRIATE MONEY FOR BRACKENRIDGE  
HOSPITAL PARKING FACILITY

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750911-B, THE CAPITAL IMPROVEMENT PROGRAM BUDGET ORDINANCE FOR THE FISCAL YEAR 1975-1976, BY APPROPRIATING \$6,437,000 FOR BRACKENRIDGE HOSPITAL, PHASE II-B, AND \$750,000 FOR THE BRACKENRIDGE HOSPITAL PARKING FACILITY; AND DECLARING AN EMERGENCY.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE TO EXTEND THE STAFF FOR THE CHARTER REVISION  
STUDY

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, THE ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1975-1976, BY AUTHORIZING FUNDING FOR THE CHARTER REVISION COMMISSION FOR THE PERIOD FROM JANUARY 19, 1976 TO JANUARY 30, 1976; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann\*, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Deputy City Manager Homer Reed requested that the Council specify the amount of time to be covered. Mayor Friedman stated that it would be 14 days and the cost would be \$858.00.

\*Councilmember Lebermann commented that he had some very specific concerns about some of the activities of City employees in the Charter Revision office, but in the interest of moving the project forward would vote in favor of the ordinance.

## PROPOSAL TO INCREASE REVENUE FOR MUSEUM PROGRAMS

Mayor Friedman submitted that he would like to request a report from the City Manager's office and the Legal Department on the state statute that provides cities with the ability to increase up to one additional percent of their Bed Tax, provided that any additional revenue from that Bed Tax is used simply to fund Museum Programs within the city; therefore, to save money out of our operating budget as well as Federal funds that are now used in that capacity. It is estimated that a 1% increase would generate approximately \$150,000 additional to the City's revenues. He requested a report be presented at the February 5, 1976, Council meeting.

## TRANSPORTATION IMPROVEMENT PROGRAM

Motion

Councilmember Hofmann stated that the Policy Advisory Committee of the Austin Transportation Study will soon be voting to approve funding for many Texas Highway Department projects within the City. Now is the appropriate time for the City to have input in these projects before the first shovel of dirt is turned. Therefore, she moved that the Council request the Policy Advisory Committee to delay action on these projects until the Council has had the opportunity to study them in more detail and that an immediate work session be

scheduled on this matter. She believed the suggested date is February 6, 1976, at 4:00 p.m. The motion was seconded by Councilmember Linn

Councilmember Lebermann referred to a letter from Mr. Ben Alley, an engineer with the Highway Department, that stated the project at Interstate Highway 35 and 290 has been approved and funded.

Mr. Homer Reed commented that the staff was fully prepared to proceed with the work session.

Roll Call on the Motion

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: None

The motion carried by a 7 to 0 vote.

HCD FUNDING OF BOGGY CREEK PROJECTS

Mr. Charles Graves, Director of Engineering, commented that in the Boggy Creek area there are three things that can be done to alleviate the degree and/or the frequency of flooding in the area:

1. Intensive maintenance effort to keep the channels and the system open, costing \$204,000.
2. A structure could be designed and constructed on Shady Lane that would keep the street open under most storm conditions. The cost would be approximately \$200,000, and would have little or no effect on the flood levels upstream or downstream, and would simply elevate the street to a safer level so it would not be closed during rain storms.
3. Preliminary studies indicate that it would be feasible to construct an interceptor to discharge into Boggy Creek. This would cost approximately \$50,000.

Mr. Graves noted that they were working very closely with the Corps of Engineers concerning this area.

Councilmember Trevino suggested that this item be placed on the agenda for the next Council meeting on January 22, 1976.

Councilmember Trevino moved that the Council set a public hearing at 10:30 a.m., January 22, 1976, concerning the Boggy Creek Projects. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

In reference to Mr. Jorge Guerra's comments, Mayor Friedman pointed out that next week the hearing would be conducted, at which time comments could be offered concerning funding of Boggy Creek.

## CASWELL HOUSE FEASIBILITY STUDY

Mrs. Roxanne Williamson, Vice Chairman of the Landmark Commission, read a letter from the President of the Commission in reference to an article that was written in the American Statesman. At the Landmark Commission meeting, it was recommended that the available funds that have been allocated and any additional funding necessary should be spent wisely on the Caswell House to avoid further deterioration and no possibilities should be excluded for its preservation. She noted that the architects were present to answer any questions.

In response to Councilmember Linn's question, Mrs. Williamson stated that some of the costs could be reduced but have not done the feasibility study to determine the extent. She felt that the City should move to prevent any further deterioration of the house. Mr. Jim Miller, Assistant City Manager for Community Services, pointed out that the \$42,000 remaining is for the Caswell House. Mr. Wukasch, one of the architects, felt that the measures outlined for prevention of further deterioration were conservative. Councilmember Hofmann commented that there is the possibility of selling the Caswell House with the stipulation that the buyer would restore it. Mr. Homer Reed stated that if additional funds were needed for the house, the only source available would possibly be through HCD funds.

In response to Councilmember Lebermann's question regarding the repairs to the house, Mr. Gene Wukasch felt that the main problem with the Caswell House would be with the foundation. Councilmember Linn was concerned with the drainage system being installed in that it would be the most expensive. Councilmember Linn suggested that this could possibly be a Bicentennial project and some of the local firms could contribute to some of the repairs.

Councilmember Hofmann was not comfortable with spending \$42,000 of HCD money on one building when the funds were needed so badly in other areas. Councilmember Himmelblau stated that she would like to see the \$42,000 spent to stop the deterioration. She would like to see the tenant be encouraged to move. Councilmember Hofmann felt that the possibility of selling the Caswell House should be explored before any money is spent.

Councilmember Himmelblau moved that the Council approve the use of \$42,000 for the Caswell House to avoid further deterioration. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Lebermann  
Noes: Councilmember Hofmann

Councilmember Linn submitted that she would like to see the City maintain ownership and restore the Caswell House; also she would like the Arts Council and the Historic Zoning Commission to work in getting this to be a community project so the City would not have the expense of doing the repairs.

## WITHDRAWAL OF AN ITEM

Mayor Friedman noted that the Interim Funding for EEOC was withdrawn.

## COMMUNITY CULTURAL ARTS CENTER

Mr. Alvin Golden noted that the Naval Reserve located on Barton Springs at Dawson Road was presently vacant and the Arts Commission has requested that this building be placed under the supervision of the Parks and Recreation Department for use as a cultural art center. This building would provide the necessary things the art center is looking for. Mayor Friedman noted that there were many requests for the building that would have to be considered.

Mr. Homer Reed commented that this is a very requested building and he suggested that the Council ask the staff for a report concerning their recommendation concerning the house. He felt that at least a major portion of the building could be utilized for the types of programs that is proposed by the Arts Commission, but there are other requests that should be considered.

Councilmember Hofmann moved that the Council instruct the staff to prepare a report concerning the use of the Naval Reserve Center for the Cultural Arts Center and present it at the Council meeting January 29, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann,  
Noes: Councilmember Linn

Councilmember Himmelblau preferred that a decision be made tonight but voted in favor of delaying action. Councilmember Linn wanted a decision made tonight.

Motion to Reconsider

Councilmember Himmelblau moved that the Council reconsider approving the use of the Naval Center for the Cultural Arts Center. The motion, seconded by Councilmember Linn, failed to carry by the following vote:

Ayes: Councilmembers Himmelblau, Lebermann, Linn  
Noes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Trevino

## ADJOURNMENT

The Council adjourned at 1:28 a.m.

APPROVED

Mayor

ATTEST:

Grace Monroe  
City Clerk